

For the attention of
Mrs J Clark Technical Officer
cc: Chris Condruk

Dear Mrs Clark,

APP/15/01219 – supplementary information you requested.

Thank you for your prompt and explicit response to my application.

As you correctly surmise, the trees are largely or entirely (dependent on the interpretation of tenure) on the land of 56A East Street. I have advised Chris Condruk of our plans and he raises no objection and permits access.

There is a lack of clarity over the tenure of the small wedge-shaped strip of land shown to the rear of our gardens on the plan below. The history of this strip is that it used to be Railway land, and subsequently HBC land after the railway ceased to be. Thereafter, HBC, among other works, decided to fence their eastern boundary, but, crucially, rather than going to the effort and expense of removing the remains of the old railway 2-bar fencing and the associated self-seeded trees which had grown up along it over time, they elected to erect the fence to its present line. HBC then wrote to all the affected residents, giving them the land between their gardens and the new fence. Sadly, I can at this time find no example of the letter they sent – you might have better luck. I believe this would have been during the 1980s. The land tenure transfer was never undertaken formally through Land Registry, presumably because the costs of doing so would be utterly disproportionate to the values of the small parcels of land involved.

There is therefore now some ambiguity as to the title to these small parcels of land, and consequently the responsibility for managing trees upon them. If the land indeed remained the Council's, should the residents then be re-imbursed in respect of approved works carried out to trees on this land (by implication on the Council's behalf) in the meantime? If the land is still part and parcel of 56A in legal terms, then householders are left in an invidious position, having been in adverse possession thereof (and borne all costs of maintenance thereof) for 30 years or more.

As things stand, the doubtful parcels are in practice treated as part of the householders' gardens. Where, in the application, reference is made to cutting back to the boundary, this means to the line of the existing fence. Generally, the amount to be cut back is about 3 metres. I have done my best to provide as detailed and accurate a plan as possible, although this is not always easy because some of the trees have multiple stems. I apologise for the lack of clarity in the scanned and enlarged sketches.

I hope that this information is sufficient to enable you to proceed with our application (I am in effect acting as agent for all the affected residents). If you need anything further from me, I will be glad to assist. I am happy to be contacted by e-mail or telephone.

Kind regards,

Ron Lamont.

